

SMBRC Governing Board Meeting Minutes

June 18, 2015

Welcome and Introductions

At 9:35 a.m. Micheal O'Leary called the meeting to order. Introductions followed.

1) Comments from Members of the Public on Items Not on the Agenda and Public Testimony on All Agenda Items

Public Comment:

Patricia McPherson said she wants to give documents to the Governing Board electronically. McPherson asked why Grass Roots and Sierra Club have not been allowed to present to this group issues of concerns regarding documentation of processes of this group and organizations that are a part of it. McPherson said board members should not vote to approve the 2016 work plan if they did not know the answers to questions she presented. McPherson then listed questions regarding the operation of the Santa Monica Bay National Estuary Program.

Susy Goodman continued to list questions regarding the operation of the Santa Monica Bay National Estuary Program.

Kathy Knight said the Sierra club gave a presentation regarding Mariner's Village and 1,000 trees used as a heron rookery that are to be torn down and asked for help preventing this. Knight continued to list questions regarding the operation of the Santa Monica Bay National Estuary Program.

Donna Murray said she would also like answers to the presented questions, and said staff were told they are part of the Commission and are being put in a bad position by now claiming they did not work for the Commission although it was put on resumes and school applications.

Eliza Wilson said in previous years ten minutes was allocated to the discussion and adoption of the work plan and she is happy to see this year 60 minutes are allocated to this task. Wilson said of the 56 responses to the online WAC survey over 50 supporters of the wetlands asked for the Commission to retain responsibility for the CEQA and NEPA process on the Ballona Wetlands restoration project.

Walter Lamb said in previous years, staff and projects were designated as Commission and now they are part of the Foundation. Lamb said work plan approval is a formality and the real decision is not in this room, but in litigation. Lamb also said previous Executive Director Shelley Luce asked for Commission board members to give money to the Foundation on the Commission letter head because the Foundation is the fiscal agent of the Commission and she knew the internal structure of the NEP. Lamb said if you don't abstain from voting you own the vote and the disingenuous arguments.

Craig Cadwallader said the response to the Refugio oil spill was slow; Surfrider and other organizations are concerned. Cadwallader said he is concerned it is still unknown where the tar and oil washing up on the South Bay is coming from and they have been waiting, almost a month, for fingerprint results. Cadwallader said he is also concerned about communication with public, as initially beaches were closed and waters potentially unsafe, yet beaches were re-opened and still had items washing up that could have presented health problems. Cadwallader said he would like a means of training volunteers to respond to these events, he has had aborted efforts to get this set up. Cadwallader said he would like board members to speak up on these issues and support SB414 and SB788.

2) Informational Items

a) Order of Agenda

The order of agenda was not changed.

b) Reports from the Chair and Executive Committee (EC)

Valor gave the EC meeting report from May. Valor reported that Ford highlighted updates on the Abalone nursery, kelp forest restoration, and other rocky reef habitat work the NEP is doing, Ford and Wang presented to regional water board on comprehensive monitoring program and commented on the Santa Barbara oil spill and the potential for it to possibly drift down the coast. Valor reported that Ford and Wang highlighted changes from the 2015 to 2016 work plan, discussed the WAC meeting and comments, and EC member discussion followed. Ford noted the new work plan clarifies the entity responsible for various projects and does not shift or change the entity.

c) Reports from the Technical Advisory Committee

Guangyu Wang gave the TAC report. Wang reported that the TAC has been working on the State of the Bay and participating in a series of conference calls with habitat experts for the nine habitats identified in the State of the Bay. Wang reported that based on the data and best professional judgment, the TAC is coming up with indicator score status and trends for each habitat. Wang said the State of the Bay should be ready by the next governing board meeting. Wang announced a Save the Date will be sent out shortly for the conference which is on September 9, 2015.

d) Reports from the Executive Director (ED) and Staff

Tom Ford reported that the publication of post-restoration monitoring results for Malibu Lagoon is available on the Foundation webpage and overall the report shows that the lagoon is doing well. Ford briefly spoke about the abalone project and said 800 green abalone were outplanted yesterday to reestablish their population in local waters using techniques and methods that can be transferred to other abalone species.

3) Governing Board Business

a) Consideration of Approval of February 19, 2015 Meeting Minutes

The April minutes were approved unanimously, as amended, with two changes in member comment section 3d: change “50% water reduction plan” to “water supply allocation plan” and strike out statement “to allow County Sanitation to be involved in water recapture and retention.” (M: Caspary, S: Gray, Abst: Friess, Sibert, Zaldivar).

b) Consideration of Approval the Fiscal Year 2016 Work Plan

Ford gave the Staff Report on FY2016 Work Plan and presented the SMBNEP FY2016 Work Plan. Governing Board member discussion followed.

Jim Knight asked for term clarification and consistency with Regional Board regarding terms: infiltration, retention, and recapture. Ford said as we move forward with language for resolutions we will be consistent with regional board use and get terms defined and included.

Sam Schuchat asked about the Rindge Dam’s targeted completion date of December 2017 for the feasibility report; Ford said yes that is his understanding and deferred to Suzanne Goode, who said that is likely the date the report is due and they are currently working on a contributed funds agreement.

John Sibert asked for agency collaborative glossary of terms to use and share. Sibert also talked about the Coastal Commission’s sea level rise impacts document and said it would be useful to coordinate with staff on some of these issues. Sibert announced he initiated a process with Southern California Association of Governments (SCAG) to look at putting together a study, or policy on water, not stormwater, wastewater, or potable water, and recognizing these are all interconvert-

able. Sibert said they represent a resource to move discussion forward and will have a major impact on our coast and will be a useful resource with good information.

Sarah Sikich said she likes the new layout of the work plan and, as emerging issues were not explicitly discussed in it, she asked how we will address those if they arise. Ford said we hope to remain nimble with the work plan acting as a skeleton for our activities. Pestrella suggested adding emerging issues or amending the work plan now to avoid being a knee-jerk agency with open contingencies and not changing course in a dramatic way within a year; Pestrella also said past confusion regarding Foundation vs. Commission activities has been clarified for him. Sikich encouraged board meetings to be a forum for conversation if something does come up. Gray said issues the public has raised have been addressed from Ford's report, regarding explanation of projects, responsibilities. Gray also stressed input from the public is important and clarity and transparency has been good. Gray asked if there is a process regarding bringing up emerging issues. O'Leary and Valor responded that emerging issues can be brought up by board members at any meeting and agendaized for discussion; Valor noted the work plan is a working, living document which can be amended as needed.

McChesney offered a response to any questions the public asked and board members also had. McChesney noted clarification is important due to confusion as well as for the US EPA to whom we report and that there are four instances of updates needed for clarification when a motion to approve the work plan is made. McChesney also said "fiscal agent" was a term used incorrectly in the past. This inaccurate term (fiscal agent) has been removed from the Work Plan and the Memorandum of Agreement between TBF and the Commission. TBF is not a fiscal agent of the Commission because the Commission has no funding to hand to the Foundation to use on the Commission's behalf. The Foundation obtains funding from US EPA and matching funds of 50% in part provided by the State Water Board for staff who sit at the LA RWQCB office. The Foundation also gets funding from other sources for various activities. O'Leary said the Commission has no staff and the Commission Governing Board gives direction that the Foundation implements. Zaldivar asked if alignment of the work plan is with the US EPA fiscal year and the core mission of the commission is to carry out goals of the National Estuary Program. McChesney answered yes. McChesney also said the SMBRA (JPA) is between the Commission and LA County Flood Control District. The JPA can receive funding from other sources and contract with entities to use that funding. McChesney noted that the Commission adopts the budget of the SMBRA and is staffed by LA County Flood Control District and the ED of the Commission. Jim Knight asked if the JPA is obligated to follow the plan of the Commission or can it deviate from it. McChesney said the basic goal of the entity is to forward the mission of the Commission. Zaldivar said LA Public Works governs the LA Flood Control District and both entities come together due to joint interest to carry out things you couldn't do on your own. McChesney replied to a public comment and clarified that the Ballona Wetlands restoration project had been listed in the work plan as a priority project of the Commission for years and it has always been Department of Fish and Wildlife who is the lead agency. The Commission's role is to identify it as a project and not to necessarily conduct, oversee, or implement the project. The new work plan clarifies that The Bay Foundation gets funding from the Coastal Conservancy to assist the Department of Fish and Wildlife in the CEQA process. The role and function of any entity has not changed. In light of the revisions found, McChesney recommended that in a motion made to adopt the work plan should include a provision that the ED can make any other conforming editorial changes if found necessary.

Motion to adopt the staff report, the FY2016 work plan as amended, and to allow the ED to make conforming editorial changes as necessary was passed unanimously (M: Pestrella, S: Sikich).

c) Presentation on Aerial Surveys of Local Marine Protected Areas

Dr. Amanda Zellmer presented changes in the Southern California fishing vessel response to implementation of Marine Protected Areas. Zellmer said data were gathered using aerial surveys these data, along with environmental data, are used for modelling. Zellmer noted survey results show a large change in commercial fishing, largely moving outside the MPAs, while recreational fishing has not moved as much, only slightly, and kayaks have increased within the MPAs. Caspary asked if this data have been reviewed with changes in economics. Zellmer answered no but that this would be interesting to look at.

Sibert said a new signage program regarding MPAs is beginning in May and may help with recreational fisherman movements in the region.

d) Member Comment—Governing Board members may wish to comment on issues not otherwise on the agenda

Goode requested a detailed report from staff for a future agenda regarding the Malibu two-year monitoring report. Murphy responded to public comment regarding the South Bay oil spill beach closure and though it is still unknown where it came from, natural seepage was not ruled out because it is still a possibility. Beach closures occurred immediately as a precaution and beaches were reopened when the Department of Public Health determined it was no longer a threat. Murphy said beaches were closed for as long as they were so emergency workers could clean up the area. Murphy said the Coast Guard is the lead agency on all oil spills and it was treated as a spill from the beginning versus a seep, so volunteers could not help because all the oil is considered evidence and a chain of custody must be filed for a potential criminal case. Murphy also said that Refugio decided to pay for the cost of cleanup whether it is their responsibility or not. Murphy also said he is unaware of the press conferences, they don't try to hide anything and are as transparent as possible and their primary mission as an emergency agency is to get the job done. Murphy also noted that he looks forward to the Governing Board getting back to business and appreciates the clarity provided by Ford and being treated respectfully by members of the public. Jim Knight thanked Ford for his presentation at the Los Cerritos Docents meeting regarding kelp forest restoration and said oil blobs have been seen at Abalone Cove and Sacred Cove in Rancho Palos Verdes and he is concerned officials took a baseline after the blobs had been identified and a more ambient baseline is needed. Schuchat noted that he is expecting the Coastal Conservancy board to adopt Proposition 1 guidelines and an updated strategic plan next Thursday at their board meeting and they tend to fund green infrastructure, water sustainability, anadromus fish, and wetland restoration projects, all of which are of interest to this Commission. He noted that the Ocean Protection Council and Department of Fish and Wildlife also have Proposition 1 funding. Schuchat noted Proposition 1 will be a good source of funding through the Coastal Conservancy and other parts of state government for the work of the Commission. Skei said the Santa Monica Mountains Conservancy is to adopt Proposition 1 guidelines Monday, June 29th, and that there was expected to be an appropriation out of the urban creeks portion of Proposition 1. Gloria Gray asked for clarification on process, particularly does the Commission agrees to develop and implement projects that fulfills goals of the Bay Restoration Plan and the Foundation staff carries out the work plan approved by the NEP. Ford answered yes, what the commission approves is sent to US EPA and reviewed and the Foundation carries out the work because they have the staff.

e) The Next Meeting Date was Announced as August 20, 2015

The meeting was adjourned at 11:47 without objection (M: Sibert, S: Gray).

Attendance

Voting Members of the Governing Board:

Charles Caspary, Las Virgenes Municipal Water District
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Philip Friess, LA County Sanitation District
Gloria Gray, At-Large Member (West Basin MWD)
Suzanne Goode, California Department of Parks and Recreation
Jim Knight, South Bay Cities (Mayor, City of Rancho Palos Verdes)
Timothy Lippman, Office of Sheila Kuehl, Supervisor, 3rd District, County of Los Angeles
Dan Murphy, LA County Fire Department, Lifeguard Division
Micheal O'Leary, SMBRC Chair, Ballona Creek Watershed Cities (City of Culver City)
Mark Pestrella, LA County Department of Public Works
Sam Schuchat, California State Coastal Conservancy
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sikich, Public Member/Environmental, Heal the Bay
Rorie Skei, Santa Monica Mountains Conservancy

Clark Stevens, At-Large Member BWC (SM Mtns RCD)
Michael Tripp, LA County Department of Beaches & Harbors
Enrique Zaldivar, LA City Sanitation

Non-Voting Members of the Governing Board:

Laurie Newman, President, The Bay Foundation
Dusty Russell, Office of State Senator Fran Pavley, 27th District

SMB NEP Staff present:

Julie Du Brow
Tom Ford
Victoria Gambale
Karina Johnston
Grace Lee
Scott Valor
Marcelo Villagomez
Guangyu Wang
And
Frances McChesney, SWRCB Legal Counsel

Other Attendees, including other Watershed Advisory Council Members:

Dr. William Brien, City of Beverly Hill, Westside COG
Craig Cadwallader, Surfrider South Bay
Suzy Goodman, SC Airport Marina Group
Kathy Knight, Ballona Ecosystem Education Project
Walter Lamb, Ballona Wetlands Land Trust
Jim Lamm, Ballona Creek Renaissance
Lauren Pizer Mains, Office of State Senator Ben Allen
Patricia McPherson, Grass Roots Coalition, Sierra Club
Donna Murray, Ballona Wetlands Land Trust
Lu Plauzoles, SM Bay Audubon
Mark Saltzberg, Venice Neighborhood Council
Wing Tam, LA City Dept of Public Works
Marianne Tyler
Eliza Wilson, Ballona Wetlands Land Trust